IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.478 OF 2007
IN
FIRST APPEAL NO.65 OF 1990

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri S.R.Page for the Applicants.
Shri J.J.Xavier for the B.M.C.

CORAM : A. S. OKA, J.

DATE : JANUARY 24, 2007.

P.C.:

1. Heard Advocate for the Applicant and the first Respondent. The second and fourth Respondents are already deleted from the cause title of the First Appeal. Hence, their names are deleted.

2. The Appeal has been dismissed for default. A case is made out for restoration. Application is allowed in terms of prayer clauses (a) and (b). Office is directed to place the Appeal on final hearing board on 20th February, 2007. Advocate for the Applicant will serve

private notice to the third Respondent informing him about restoration of Appeal. Service affidavit to be filed on or before 15th February, 2007. If service affidavit is not filed, order of dismissal of appeal will stand. Shri Xavier appearing for the first Respondent states that he is not aware whether after the dismissal of the Appeal the structure has been demolished. If structure is not demolished as of today, liberty to the Applicant to take out application for interim relief.

JUDGE